

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:18-cv-197-RJC

BRUCE RHYNE and JANICE RHYNE,)
)
Plaintiffs,)
)
vs.)
)
UNITED STATES STEEL)
CORPORATION, <i>et al.</i> ,)
)
Defendants.)
_____)

**PLAINTIFFS' MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF PAGE
LENGTH LIMIT**

Plaintiffs, through counsel, pursuant to LCvR 7.1 hereby respectfully request that the Court permit them to file a brief in excess of the 25-page limit under Local Rule 7.1(d), and show:

1. A joint motion to exclude Plaintiffs' expert Robert Herrick was filed by Defendants Safety-Kleen and United States Steel Corporation jointly (Doc. 197) along with a joint brief (Doc. 201).
2. As described in the Plaintiffs' proposed oversize brief (filed herewith), the Defendants' brief makes numerous summary factual statements which require refutation by careful reference to the record.
3. The brief by its joint nature also toggles between arguments specific to US Steel and others related to Safety-Kleen in a manner that requires Plaintiffs to expend additional page length to address.
4. Rather than file two separate 25-page maximum length briefs separately responding to US Steel's and Safety-Kleen's arguments, Plaintiffs have prepared a single response to the joint motion which is less than 50 pages.

5. Plaintiffs will agree to allow Defendants' to have additional page length for their reply briefs, if they find it necessary in responding.

Plaintiffs pursuant to LCvR 7.1(b) shows that undersigned counsel informed US Steel and Safety-Kleen that they sought to request additional page length and asked whether they would consent to the motion. On April 21, 2020 consent was granted by Counsel for United States Steel, Safety-Kleen and Savogran.

Dated: April 21, 2020.

s/Andrew J. DuPont

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EXHIBITS

1. Proposed order.
2. Response brief.

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record in this case.

Respectfully submitted,
Attorneys for Plaintiffs

s/Andrew J. DuPont

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